

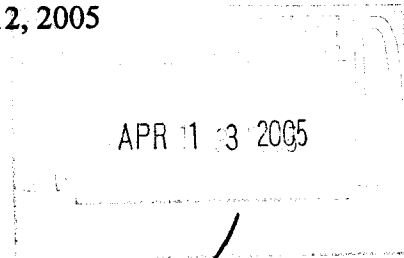
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April 12, 2005



VIA FACSIMILE AND REGULAR MAIL

Douglas M. Brooks, Esq.
Gilman and Pastor, LLP
Stonehill Corporation Center
999 Broadway, Suite 500
Saugus, MA 01906

Re: *Wesley Childs v. Bernard Bailey, et al.*
Middlesex Superior Court Civil Action No. 05-0972

Dear Mr. Brooks:

Pursuant to Rule 9A of the Superior Court rules, we hereby serve you with a *Motion To Transfer Civil Action To The Business Litigation Section*.

Very truly yours,

A handwritten signature in black ink, appearing to read "M H Kaplan".

Mitchell H. Kaplan

MHK:amd

Enclosure

cc: Karen Collari Troake, Esq. (w/enclosure)

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

WESLEY CHILDS, derivatively on behalf of
VIISAGE TECHNOLOGY, INC.,

Plaintiff,

v.

BERNARD BAILEY, B.G. BECK, DENIS K.
BERUBE, CHARLES E. LEVINE, HARRIET
MOUCHY-WEISS, PETER NESSEN, PAUL T.
PRINCIPATO, THOMAS J. REILLY,
CHRISTOPH VON DER MALSBURG, and
MARCEL YON,

Defendants,

v.

VIISAGE TECHNOLOGY, INC.,

Nominal Defendant

Civil Action No. 05-0972

**MOTION TO TRANSFER CIVIL ACTION TO
THE BUSINESS LITIGATION SECTION**

Defendants hereby respectfully move this Court to transfer this action to the Business Litigation Session (BLS) in Suffolk County pursuant to the Administrative Directive No. 03-1 of the Superior Court.


As grounds for this motion, defendants state that the Complaint asserts that plaintiff is a shareholder of nominal defendant Viisage Technology, Inc. ("Viisage") and has asserted a derivative claim, allegedly on behalf of Viisage, against each member of Viisage's board of

directors for breach of their respective fiduciary duties as a result of the manner in which they have managed the business and affairs of Viisage. Claims of this nature involving derivative actions asserted against a corporation's directors alleging breach of their fiduciary duty to shareholders are specifically identified as claims that fall within the purview of the BLS.

A copy of a completed BLS cover sheet for this action is attached to this motion.

VIISAGE TECHNOLOGY, INC.

By its attorneys,



Mitchell H. Kaplan, P.C. (BBO #258940)

Karen Collari Troake, (BBO#566922)

Choate, Hall & Stewart

Exchange Place


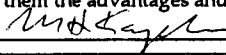
53 State Street

Boston, MA 02109

Tel.: (617) 248-5000

Dated: April 12, 2005

I HEREBY CERTIFY THAT A TRUE COPY OF
THE ABOVE DOCUMENT WAS SERVED
UPON THE ATTORNEY OF RECORD FOR
EACH OTHER PARTY BY MAIL/HAND ON
DATE 4/12/05 SIGNATURE [Signature]

CIVIL ACTION COVER SHEET		DOCKET NO(S) B.L.S.	Trial Court Of Massachusetts Superior Court Department County: SUFFOLK 
PLAINTIFF(S) WESLEY CHILDS, derivatively on behalf of VIISAGE TECHNOLOGY, INC.,		DEFENDANT(S) BERNARD BAILEY, et al. v. VIISAGE TECHNOLOGY, INC., Nominal Defendant	
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE Douglas M. Brooks, Esq. (781-231-7850) GILMAN AND PASTOR, LLP, 999 Broadway, Saugus Mass. 01906 Board of Bar Overseers number 058850		ATTORNEY (if known) Mitchell H. Kaplan CHOATE, HALL & STEWART, LLP 53 State Street Boston, MA 02109	
Origin Code Original Complaint		617-248-5000	
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)			
CODE NO. BB.1	TYPE OF ACTION (specify) shareholder derivative	TRACK (B)	IS THIS A JURY CASE? <input checked="" type="checkbox"/> Yes * () No
The following is a full and detailed statement of the facts on which plaintiff relies to determine eligibility in to The Business Litigation Session.			
<p>This is a derivative action brought by a shareholder of nominal defendant Viisage Technology, Inc. against each member of the Board of Directors. Plaintiff alleges that the directors have breached their fiduciary duty to Viisage shareholders by mismanaging Viisage's affairs such that its financial statements allegedly contained false information.</p> <p>* plaintiff has demanded a jury trial.</p>			
* A Special Tracking Order shall be created by the Presiding Justice of the Business Litigation Session at the Rule 16 Conference.			
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT.			
<p>"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."</p> <p>Signature of Attorney of Record  DATE: 4/12/05</p>			